

**WOODS CROSS PLANNING COMMISSION MEETING  
NOVEMBER 24, 2015**

**MEMBERS PRESENT:**

Leo Beecher, Chairman  
Jennifer Bassarear  
Brent Page

Curtis Poole  
Gary Sharp  
Matt Terry

**MEMBERS EXCUSED:**

Dan Bradford

**STAFF PRESENT:**

Tim Stephens, Community Development Director  
Bonnie Craig, Secretary

**VISITORS:**

Lois Schrader  
Don Schrader  
Steve Devereaux  
Jake Millburn

Nick Stone  
Reed Hellewell  
Craig Burrows

Mitch Blackhurst  
Brent Christensen  
Paul Kroft

**PLEDGE OF ALLEGIANCE:**

Leo Beecher

**APPROVAL OF MINUTES**

The Commission reviewed the minutes of the Planning Commission meeting held November 10, 2015. After their review, Commissioner Page made a motion to approve the minutes as written with Commissioner Bassarear seconding the motion and the motion carried.

**OPEN SESSION**

Chairman Beecher then opened the meeting to public comments regarding items that were not on the agenda.

There were no public comments for the open session and Chairman Beecher closed the open session.

**DEVEREAUX AUTOMOTIVE CONDITIONAL USE REQUEST—2422 SOUTH 1100  
WEST #2  
STEVE DEVEREAUX**

Mr. Tim Stephens, the Community Development Director, reviewed this agenda item with the Planning Commission. He noted that the applicant is proposing to operate an internet car sales office from the location. He also said the applicant would be doing some car detailing and small vehicle repair. The business will be primarily internet based and there will usually be no more

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than three cars on site to meet the state requirements for an auto dealer license. There is parking along the face of each of these units in addition to parking behind the building.

Mr. Steve Devereaux appeared before the Commission and they asked Mr. Devereaux if he had any questions or concerns regarding the conditions for the conditional use permit and Mr. Devereaux said he had no questions and he was fine with the conditions as outlined.

Commissioner Poole then made a motion to approve the conditional use permit for Devereaux Automotive and Mr. Steve Devereaux with the following conditions:

1. At no time shall the business operation negatively impact adjacent properties.
2. At no time shall any equipment, materials, or inoperable vehicles be kept outside the enclosed building.
3. Applicant's business operation shall be in compliance at all times with any government agency having jurisdiction over the business operation or subject property.
4. The applicant shall obtain and maintain a state dealer's license.
5. Applicant shall obtain an inspection from the South Davis Metro Fire District and submit a copy to the City in conjunction with a business license application.

Council Member Bassarear seconded the motion and the motion carried.

**MIDNIGHT EURO AUTOMOTIVE GROUP CONDITIONAL USE--1593 WEST 2350  
SOUTH-- NICH STONE**

Mr. Stephens then reviewed this agenda item with the Commission. He noted the applicant is proposing to operate a business for the sale of cars, accessories, parts and wheels from a building within the Skypark Industrial Park. The building could also function as a hangar and has a small parking lot.

Mr. Nich Stone appeared before the Commission. Mr. Stone did point out to the Commission that this particular building does not have a hangar door so it would not be used as an aircraft hangar.

The Commission asked Mr. Stone if he had any questions or problems with the conditions as outlined and Mr. Stone said no, he did not.

Commissioner Sharp then made a motion to approve the conditional use permit for Midnight Euro Automotive Group and Mr. Nich Stone with the following conditions:

1. At no time shall the business operation negatively impact adjacent properties.
2. At no time shall any equipment, materials, or inoperable vehicles be kept outside the enclosed building.

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3. Applicant's business operation shall be in compliance at all times with any government agency having jurisdiction over the business operation or subject property.
4. The applicant shall obtain and maintain a state dealer's license.
5. Applicant shall obtain an inspection from the South Davis Metro Fire District and submit a copy to the City in conjunction with a business license application.

Commissioner Page seconded the motion and the motion carried.

**NIKITA ORCHARD PRESCHOOL CONDITIONAL USE—1420 SOUTH 500 WEST—  
NIKITA ORCHARD**

Mr. Stephens then outlined this item for the Commission. He said the applicant is proposing to operate a preschool from a portion of commercial building on 500 West, just north of 1500 South. The C-2 Zone permits child care facilities as a conditional use which a preschool is related. The applicant will have two employees in addition to herself and will operate Monday through Friday 9-12 and possibly 12-3 in the afternoon. They would have 24 students from 9-12 and possibly that many in the afternoon session. Later next year they may increase the morning and afternoon enrollments from 24-36 students. The applicant is currently operating a preschool elsewhere but their lease is expiring and they are need of a new location. Parents will enter the property from 500 West using the southeast drive approach and drive to the southwest corner or back building for student drop off and pick up. The unit would be remodeled into three rooms and a building permit will need to be obtained along with reviews and inspections by the building official but also South Davis Metro Fire Agency Fire Marshall.

The Commission asked Mr. Stephens if this preschool is restricted to the same conditions as a home preschool, such as number of students, and Mr. Stephens said they were not restricted because the preschool would be located in a C-2 General Commercial Zone.

Ms. Nikita Orchard appeared before the Commission. She noted for the Commission that the Fire Marshall had been to the building to inspect it and said there were a few minor issues that needed fixing and is also looking into the capacity of the building. She said she would be fixing what the Fire Marshall is requiring and he would also be giving her further information in the near future that would relate to her receiving her business license.

There were no further questions and Commissioner Bassarear made a motion to approve the conditional use for Nikita Orchard Preschool and Ms. Nikita Orchard with the following conditions:

1. At no time may the applicant's business activity negatively impact adjacent properties or businesses.
2. Applicant's business activity shall be in conformance with all government agencies having jurisdiction over the business operation or property.
3. Applicant shall obtain a building permit for any building modifications requiring such.

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4. Applicant shall obtain inspection and approval from the South Davis Metro Fire Agency.

Commissioner Poole seconded the motion and the motion carried.

**PUBLIC HEARING: PROPOSED AMENDMENTS TO ZONING ORDINANCE  
CHAPTERS 4, 9, 12, AND 21 REGARDING DEVELOPMENT AGREEMENTS, MULTI  
LOT DEVELOPMENTS, PARKING LOT STANDARDS, AND APPEALS PROCESS—  
TIM STEPHENS**

Mr. Stephens then noted for the Commission that it is necessary to make some adjustments to the city zoning ordinance in conjunction with some of the projects within the city. The amendments would include approval of multi-lot, master planned commercial project or shopping centers where the project as a whole meets the standards of the zone, but there may be parts of the subdivision or commercial development do not meet the specific lot frontage, coverage, signage, or other details. This amendment would allow the city to consider lots that do not have frontage on the street but will be provided access through the overall shopping center or commercial development. It will be necessary for these types of projects to execute and record cross-access parking easements and agreements to guarantee perpetual, project wide compliance with the purposes and requirements of the C-2 Zone.

The next consideration would be a proposal to the supplementary regulations in Chapter 21 amended to add and clarify that the city can enter into a development agreement to accomplish the purposes of the land use ordinance. In the past the city has used development agreements on various projects, however, the city attorney believes it is important to state that fact in our zoning ordinance.

In addition, the staff is recommending that the R-4 Zone be amended to permit the Planning Commission to consider carport structures and their location within the R-4 Multi-family Zone. There has been a project develop a parking lot across the street from its main apartment complex to alleviate parking problems for the project. The parking lot is just about complete but the owner would also like to cover the stalls with carports similar to the existing project across the street. To better this project, it is proposed that the R-4 Zone be amended to add language that would permit the Planning Commission to consider modifications to provide adequate parking including the construction of carport structures and to ensure that setbacks and sightlines will provide for safe and efficient movement of traffic.

The last amendment deals with the appeals process for land use decisions within the zoning ordinance. The Staff is recommending this amendment be tabled due to the fact that staff and city attorney need more time to formulate and review this amendment. A future public hearing and Planning Commission review of this particular amendment would take place after the first of the year.

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The Commission asked questions and got clarification on the amendments from the Community Development Director.

Chairman Beecher then opened the public hearing. There were no public comments and Chairman Beecher closed the public hearing.

Commissioner Sharp then made a motion to forward to the City Council the Planning Commission's recommendation for approval of the amendment to 12-12-117 of the zoning ordinances regarding multi-lot development with Commissioner Terry seconding the motion and the motion carried.

Commissioner Page then made a motion to forward to the City Council the Planning Commission's recommendation for approval of the amendment to 12-21-121 of the zoning ordinances regarding development agreements. Commissioner Bassarear seconded the motion and the motion carried.

Commissioner Terry then made a motion to forward to the City Council the Planning Commission's recommendation for approval of the amendment to 12-9-111 of the zoning ordinances to include carport structures. Commissioner Poole seconded the motion and the motion carried.

Commissioner Page then made a motion to table the amendment to the zoning ordinance for the appeals process for land use decisions to a future date when further information can be collected and reviewed. Commissioner Sharp seconded the motion and the motion carried.

**PUBLIC HEARING: WOODS CROSSING SUBDIVISION FINAL PLAT—2600 SOUTH WILDCAT WAY—JOHN SAWYER**

Mr. Stephens then noted for the Commission that staff was recommending this item be tabled to a future date as this item is not quite ready for presentation to the Planning Commission for their review.

Chairman Beecher did open the public hearing for public comments to see if there were any comments from the public present regarding this agenda item. There were no questions or comments regarding this item and Chairman Beecher closed the public hearing.

Commissioner Poole then made a motion to table the Woods Cross subdivision final plat for a future meeting. Commissioner Page seconded the motion and the motion carried.

**PUBLIC HEARING: WOODS CROSS SHOPPING CENTER FIRST AMENDED FINAL PLAT—553 WEST 750 SOUTH—CRAIG BURROWS**

Mr. Stephens reviewed this agenda item. He noted that some years ago the city approved the Woods Cross Shopping Center which at the time was anchored by the Office Max store. The property was all under one ownership. A few years later, the owner of the shopping center divided it into three lots in different ownership. Recently Mr. Craig Burrows who owns lot 2 of

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the shopping center, which is the majority of the area and buildings, has requested to further subdivide that lot into four smaller lots for each of the four existing buildings. The applicant has prepared additional ~~CCR's (consider writing out what CCR stands for)~~ovenants Conditions and Restrictions (CCR's) that will be recorded to guarantee perpetual project-wide compliance with the C-2 Zone standards specific to cross parking and access to guarantee that the project overall will continue to function as an integrated shopping center with access to public streets for all buildings and properties within the commercial project.

Chairman Beecher then opened the public hearing.

There were no public comments and Chairman Beecher closed the public hearing.

Commissioner Poole then made a motion to forward to the City Council the Planning Commission's recommendation for approval of the Woods Cross Shopping Center Subdivision First amended Final Plat with the condition that the necessary legal instruments be provided by the applicant, reviewed and approved by the city attorney, and recorded with the subdivision to guarantee cross-access and parking within the commercial project knows as the Woods Cross Shopping Center.

Commissioner Bassarear seconded the motion and the motion carried.

**MGM EXECUTIVE HANGARS SITE PLAN AND CONDITIONAL USE—2003 SOUTH 1640 WEST—BRENT CHRISTENSEN**

Mr. Stephens continued by explaining this item to the Commission. He said that this applicant is proposing to construct an aircraft hangar building consisting of four hangar units on a lot in the north end of the Skypark Industrial Park. He said that on the building elevations it shows stucco elements that will be added to the major street views of the project which will also permit, should the owner choose, to allow other uses other than aviation use in the building. A 15-foot tree buffer will also be installed behind the building along with a solid, vinyl fence which will allow buffering between the hangar and the nearby residential area.

After the review by Mr. Stephens, Commissioner Bassarear made a motion to approve the conditional use permit for MGM executive hangars for aviation use within the hangars with the following conditions:

1. At no time shall the hangar use negatively impact adjacent properties.
2. At no time shall any equipment or materials be stored outside the enclosed building.
3. Any non-aircraft hangar use proposed for the building will require conditional use review and approval.

Commissioner Sharp seconded the motion and the motion carried.

Commissioner Terry then made a motion to approve the site plan for the MGM Hangars.

Commissioner Page seconded the motion and the motion carried.

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**MGM EXECUTIVE HANGARS FINAL PLAN APPROVAL—2003 SOUTH 1640  
WEST—BRENT CHRISTENSEN**

The applicant as discussed above is also proposing to condominiumize the four units within the building for possible sale. The city over the years has approved condominium plats for individual hangar ownership for building with the Skypark Industrial Park.

Commissioner Bassarear then made a motion that the Planning Commission forwards to the City Council a recommendation to approve the Skypark Industrial Plat Lot 62 Condominium Plat.

Commissioner Poole seconded the motion and the motion carried.

**GENERAL AND PENDING**

Mr. Stephens told the Planning Commission that they are still working through the details of the old K-Mart site and will hopefully be back to the Commission for review in January.

The Commission asked what the status of the Maverik site was and if they would be coming in to talk with the Commission about the issues on their site. Mr. Stephens said he had spoken with people representing Maverik and they are still working through some of the details regarding the site so it should be coming before the Commission at a future meeting.

**ADJOURNMENT**

There being no further business before the Commission, Commissioner Bassarear made a motion to adjourn the meeting at 7:22 P.M.

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Leo Beecher, Chairman

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Bonnie S. Craig, Secretary